

Counsel Listed on Next Page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FISHER INVESTMENTS, INC., a California
corporation,

Plaintiff,

v.

MORGAN STANLEY DW, INC., a
Delaware corporation, and DOES 1-10,
inclusive,

Defendants.

Case No. C 07 2547 SC

**STIPULATION CONTINUING DUE
DATE OF DEFENDANT MORGAN
STANLEY & CO., INC.'S (F/K/A
MORGAN STANLEY DW, INC.)
RESPONSE TO PLAINTIFF'S
COMPLAINT**

LOCAL RULE 6-1(a)

1 JOSEPH W. COTCHETT (State Bar No. 36324)
2 NANCY L. FINEMAN (State Bar No. 124870)
3 COTCHETT, PITRE & McCARTHY
4 San Francisco Airport Office Center
5 840 Malcolm Road, Suite 200
6 Burlingame, CA 94010
7 Telephone: 650-697-6000
8 Facsimile: 650-697-0577

9
10 SCOTT METZGER (State Bar No. 89718)
11 ANNA F. ROPPO (State Bar No. 132680)
12 DUCKOR SPRADLING METZGER & WYNNE
13 3043 – 4th Avenue
14 San Diego, CA 92103
15 Telephone: 619-209-3000
16 Facsimile: 619-209-3043

17
18 Attorneys for Plaintiff
19 Fisher Investments, Inc.

20
21 TRISH M. HIGGINS (State Bar No. 119215)
22 ORRICK, HERRINGTON & SUTCLIFFE LLP
23 400 Capitol Mall, Suite 3000
24 Sacramento, CA 95814-4497
25 Telephone: 916-447-9200
26 Facsimile: 916-329-4900

27
28 MICHAEL D. WEIL (State Bar No. 209056)
ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: 415-773-5700
Facsimile: 415-773-5759

Attorneys for Defendant
Morgan Stanley & Co., Inc.
(f/k/a Morgan Stanley DW, Inc.)

1 Plaintiff Fisher Investments, Inc. ("Plaintiff" or "Fisher"), on the one hand, and Defendant
2 Morgan Stanley & Co., Inc. (f/k/a Morgan Stanley DW, Inc.) ("Defendant" or "Morgan
3 Stanley"), on the other hand, through their respective counsel, HEREBY STIPULATE and
4 AGREE pursuant to Local Rule 6-1(a) as follows:

5 1. The parties have been engaged in good faith settlement negotiations. The parties
6 agree that it would be injurious to the settlement process for the parties and counsel to have to
7 devote substantial time and resources to address litigation demands, including motion work
8 related to the Complaint. Accordingly, the parties agree to extend the time for defendant to file a
9 responsive pleading to the complaint by another 30 days.

10 2. Plaintiff Fisher filed its Complaint in the Superior Court for the County of San
11 Mateo on April 12, 2007, and served it on April 13, 2007. Defendant Morgan Stanley removed
12 the complaint to federal court on May 14, 2007.

13 3. On May 16, 2007, the parties stipulated to extend the time for Morgan Stanley's
14 response to the Complaint from May 21, 2007 to June 5, 2007.

15 4. On June 1, 2007, the parties stipulated to extend the time for Morgan Stanley's
16 response to the Complaint from June 5, 2007 to June 20, 2007.

17 5. On June 18, 2007, the parties stipulated to extend the time for Morgan Stanley's
18 response to the Complaint from June 20, 2007 to July 5, 2007.

19 6. The parties stipulate and agree that Defendant's time to respond to Plaintiff's
20 Complaint shall be continued another thirty (30) days, until August 6, 2007.

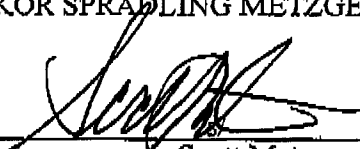
21 7. This stipulation will not alter the date of any event or any deadline already fixed
22 by Court order.

23 SO STIPULATED.

1 Dated: June 28, 2007

2 JOSEPH W. COTCHETT
3 NANCY L. FINEMAN
4 COTCHETT, PITRE & McCARTHY

5 SCOTT METZGER
6 ANNA F. ROPPO
7 DUCKOR SPRADLING METZGER & WYNNE

8 By: 
9 Scott Metzger
10 Attorneys for Plaintiff
11 Fisher Investments, Inc.

12 Dated: June 28, 2007

13 TRISH M. HIGGINS
14 MICHAEL D. WEIL
15 ORRICK, HERRINGTON & SUTCLIFFE LLP

16 By: /s/
17 Michael D. Weil
18 Attorneys for Defendant
19 Morgan Stanley & Co., Inc.
20 (f/k/a Morgan Stanley DW, Inc.)

21 I hereby attest that the concurrence in the filing of this document has been obtained from
22 Anna Roppo, Attorney for Plaintiff, Fisher Investments, Inc.

23 By: /s/
24 Michael D. Weil
25 Attorneys for Defendant
26 Morgan Stanley & Co., Inc.
27 (f/k/a Morgan Stanley DW, Inc.)